

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

IN RE:	(
	(
Earl Howard Talbot, Sr.	(
Mary Elizabeth Talbot	(Case No: B-08-81448
Debtor(s)	(

ORDER DENYING DISCHARGE OF FEMALE DEBTOR

THIS CASE CAME before the court on February 10, 2011 for hearing upon the motion of the Bankruptcy Administrator (“BA”), for an order denying the discharge of the female Debtor, Mary Elizabeth Talbot, on the grounds that she is ineligible for a discharge pursuant to 11 U.S.C. § 727(a)(8). Robyn R. C. Whitman appeared on behalf of the BA, and Koury Hicks appeared on behalf of the female Debtor. The motion was duly noticed on all parties in interest and no objection was filed. Based upon the motion and the arguments of counsel at the hearing, the Court finds and concludes as follows:

1. The Debtors filed this petition under Chapter 13 of the Bankruptcy Code on September 30, 2008, and the case was converted to a Chapter 7 proceeding on January 14, 2011. During the pendency of the Chapter 13 proceeding, Earl Howard Talbot, Sr., the male Debtor, passed away. His case was dismissed on January 3, 2011.

2. The female Debtor filed a Chapter 7 case in the U.S. Bankruptcy Court for the Eastern District of North Carolina on October 25, 2001 (Case No. 01-03112-5-ATS). A discharge was entered in that case on February 4, 2002.

3. The female Debtor was granted a discharge under Section 727 of the Code in a case

that was commenced within eight years before the date of the filing of the Debtors' petition in this case; therefore, the female Debtor is ineligible for a discharge in this case pursuant to 11 U.S.C. § 727(a)(8).

Now, therefore, it is ORDERED, ADJUDGED, AND DECREED as follows:

1. That the BA's motion is hereby granted; and
2. That the female Debtor's discharge is hereby denied on the grounds that the female Debtor is ineligible for a discharge pursuant to 11 U.S.C. § 727(a)(8).

Parties to be served
Page 1 of 1
B-08-81448

The Debtor(s), all creditors and parties in interest.